

DOCKET NO. 01-C-086 (SYM101-01086)
U.S. SERIAL NO. 10/091,743
PATENT

REMARKS

Claims 1-10 and 31-40 were pending in this application.

Claims 3-9 and 37-40 have been allowed.

Claims 1, 2, and 31-36 have been rejected.

Claim 1 has been amended as shown above.

Claims 1-10 and 31-40 remain pending in this application.

Reconsideration and full allowance of Claims 1-10 and 31-40 are respectfully requested.

I. ALLOWABLE CLAIMS

The Applicants thank the Examiner for the indication that Claims 3-9 and 37-40 are allowable. These claims have not been amended and therefore remain in condition for allowance.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1, 2, 10, 31, and 32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,723,197 to Takiar et al. ("*Takiar*"). The Applicants respectfully traverse this rejection.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP § 2131; In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)*). Anticipation is only shown where each and every limitation of the claimed

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invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

The Applicants have amended Claim 1 to recite that fabricating a “redistribution metal layer” includes “fabricating a vertical plug in electrical connection with a metal pad associated with [an] active circuit area” and “depositing a metal layer in electrical connection with the vertical plug.” While *Takiar* recites the use of a metal interconnect 24, the Office Action does not establish that *Takiar* anticipates “fabricating a vertical plug in electrical connection with a metal pad associated with [an] active circuit area” and “depositing a metal layer in electrical connection with the vertical plug” as recited in Claim 1 (and its dependent claims).

Accordingly, the Applicants respectfully request withdrawal of the § 102(b) rejection and full allowance of Claims 1, 2, 10, 31, and 32.

III. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 2, and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,441,467 to Toyosawa et al. (“*Toyosawa*”) in view of U.S. Patent No. 6,180,445 to Tsai (“*Tsai*”). The Office Action rejects Claims 31 and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Toyosawa* and *Tsai* in further view of *Takiar*. The Office Action rejects Claims 33-36 under 35 U.S.C. § 103(a) as being unpatentable over *Toyosawa* and *Tsai* in further view of U.S. Patent No. 5,306,936 to Goto (“*Goto*”). The Applicants respectfully traverse these rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of

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establishing a *prima facie* case of obviousness. (MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grablak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to

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make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. (*MPEP* § 2142).

The Applicants have amended Claim 1 to recite that fabricating a "redistribution metal layer" includes "fabricating a vertical plug in electrical connection with a metal pad associated with [an] active circuit area" and "depositing a metal layer in electrical connection with the vertical plug." Neither *Toyosawa* nor *Tsai* recites "fabricating a vertical plug in electrical connection with a metal pad associated with [an] active circuit area" and "depositing a metal layer in electrical connection with the vertical plug" as recited in Claim 1 (and its dependent claims).

Accordingly, the Applicants respectfully request withdrawal of the § 103(a) rejections and full allowance of Claims 1, 2, 10, and 31-36.

IV. CONCLUSION

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

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SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,
DAVIS MUNCK, P.C.

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